

THE EFFECTIVE DATE OF THIS ORDINANCE IS October 1, 2024

ORDINANCE NO. 24-05-005

**ORDINANCE OF
THE COUNTY COUNCIL OF
FREDERICK COUNTY,
MARYLAND**

**RE: EXTENSION OF ORDINANCE 22-06-006
(PANDEMIC ORDINANCE)**

PREAMBALE AND LEGISLATIVE FINDINGS

WHEREAS, on September 6, 2022, the County Council of Frederick County ("County Council") adopted Ordinance No. 22-06-006 (the "Pandemic Ordinance") after finding that the national COVID-19 pandemic had caused delays and challenges that exacerbated the process of completing development projects prior to the expiration of preliminary plans, grading plans, forest conservation plans and Adequate Public Facility Ordinance (APFO) approvals;

WHEREAS, the Pandemic Ordinance extended the expiration dates of certain development approvals up through and including March 4, 2024;

WHEREAS, supply chain and labor shortages relating to the COVID-19 pandemic continue to cause construction delays and challenges, specifically for development projects that involve the construction of off-site public infrastructure, resulting in certain development approvals and deadlines having expired or lapsed following the expiration of the Pandemic Ordinance; and

WHEREAS, based on the above, the County Council finds that further extending certain development approval periods and deadlines will allow for

completion of previously approved projects that are in the best interests of the citizens of Frederick County because said projects will result in the construction, activation and utilization of public infrastructure as originally intended, and will thus preserve and improve the health, safety, and general welfare of Frederick County; and

WHEREAS, each of the provisions of this Preamble and Legislative Findings constitutes a specific legislative finding by the County Council whether or not the individual provision includes specific "finding" language; and

WHEREAS, the County Council held a duly advertised public hearing regarding this Ordinance on September 3, 2024 during which the public had an opportunity to comment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, the following:

Section I. Definitions.

In this Ordinance, unless the context indicates otherwise, all terms shall have the same meaning as provided in the Frederick County Code and the Land Use Article of the Maryland Annotated Code.

Section II. Further Extension of Certain Development Approvals.

This Ordinance temporarily modifies the application of certain provisions of the Frederick County Code, including Chapters 1-10, 1-15.2, 1-16, 1-19, 1-20, and 1-21 for development projects originally approved prior to March 5, 2020, to extend the expiration date of Preliminary Plans, and/or Adequate Public Facility Ordinance ("APFO") letters of understanding ("LOU"), as well as any approved amendments, re-

approvals, and modifications thereof, and any site plans, forest conservation approvals, and/or improvement plans approved for said development project prior to the effective date of this ordinance (collectively, hereinafter referred to as "Approvals"), to eighteen (18) months following the effective date of this Ordinance.

Section III. Application

This Ordinance shall apply retroactively only to Approvals (described in Section II) for a development project originally approved prior to March 5, 2020 that, prior to the effective date of this Ordinance, substantially completed the construction of a significant portion of major offsite public water, or sewer improvements required under the terms of the development project's APFO LOU such as a water tank, water treatment plant, sewer pump station upgrades, sewer main replacements, or provision of drinking water municipal wells. This Ordinance does not and cannot extend approvals of improvement plans under the jurisdiction of non-County agencies (i.e. Soil Conservation District).

Section IV. Codification Unnecessary.

Due to the self-limiting nature of this Ordinance, it will not be codified in the Frederick County Code but nevertheless shall have the full force and effect of law as if published in the Frederick County Code.

Section V. Fees, Guarantees, and Sureties.

Any previously paid school mitigation fees, financial guarantees, bonds or sureties ("Financial Matters") which have been refunded as a result of expired or missed deadlines must be repaid prior to the recordation of any lots. Financial

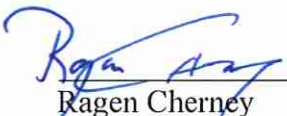
Matters not refunded shall be applicable to the Approvals extended pursuant to this Ordinance.

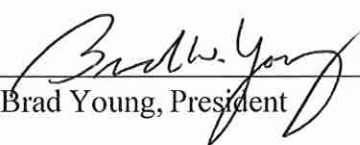

AND BE IT FURTHER ORDAINED THAT the effective date of this Ordinance is October 1, 2024.

The undersigned hereby certifies that this Ordinance was approved and adopted by a vote of 4-2 on the 1st day of October, 2024.

ATTEST


COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND


Ragen Cherney
Council Chief of Staff

By:  
Brad Young, President

Received by the County Executive on October 10, 2024

COUNTY EXECUTIVE ACTION: _____ Approved _____ Vetoed  No
Action


Jessica Fitzwater, County Executive
Frederick County, Maryland

10/15/24
Date